UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/567
17 May 1999

ORIGINAL: ENGLISH

LETTER DATED 17 MAY 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you the attached press release issued on 17 May 1999 by the Ministry of Foreign Affairs of the State of Eritrea concerning the clarity of the content of the Organization of African Unity Framework Agreement which Eritrea has fully accepted and is ready to implement.

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

99-14555 (E) 170599

/...

Annex

Press release issued on 17 May 1999 by the Ministry of Foreign Affairs of Eritrea entitled "Is the OAU Framework Agreement Ambiguous?"

1. As international pressure for the immediate implementation of the Organization of African Unity (OAU) Framework Agreement mounts, Ethiopia's preferred choice seems to be to impede the peace process by raising issues of "interpretation". But is the Framework Agreement really ambiguous? What are its basic provisions?

2. The 11-point Framework Agreement may be condensed into the following 5 sequential measures:

- Formal acceptance of the Framework Agreement by both sides;
- Formal cessation of hostilities;
- Eritrean forces to redeploy from Badme and environs as a mark of goodwill and consideration to OAU;
- Demilitarization of the entire border through the redeployment of the forces of both parties along the entire border as part of the implementation process of the Framework Agreement;
- Demarcation of the boundary within a period of six months.

3. From the foregoing, it is clear that Eritrea was required to withdraw, as a gesture of goodwill to OAU and after the formal acceptance of the Framework Agreement and the cessation of hostilities, from Badme town and its environs, in accordance with operative paragraph 3 of the Framework Agreement (S/1998/1223, annex). This is the component of Eritrean unilateral withdrawal. Afterwards, as operative paragraph 5 (a) and the clarifications provided by the High-level Delegation to Eritrea through their letter of 26 January 1999 (S/1999/274, annex) underline explicitly, both sides are required to redeploy their troops to positions to be determined subsequently, as part of the implementation process of the Framework Agreement.

4. The OAU High-level Delegation defined "environs" of Badme town, in its written clarifications provided to Eritrea on 26 January 1999, as "the area surrounding Badme town". On the Ethiopian contention that "Badme and environs" meant all Ethiopian border territories occupied by Eritrea since 6 May 1998, the clarification of 26 January 1999 reads: "the High-level Delegation took note of the position of Prime Minister Melles Zenawi. There was, however, no further discussion on the issue".

5. This was consistent with the terms of reference that the High-level Delegation drew for the Committee of Ambassadors and which was communicated to the foreign ministries of both countries through the letter of the General

Secretariat of OAU on 24 June 1998. Operative paragraph 2 of the terms of reference of the Ambassadorial Committee read:

> "to collect, from the two Parties or any other appropriate International Organisation and Agency, information which would make it possible to determine the authority which was administering Badme before 12 May 1998".

6. Eritrea objected to this restrictive mandate, arguing, through its letter to the Secretary-General of OAU of 25 June 1998,

> "We fail to see the rationale of this task. It must be borne in mind that Badme is one of several Eritrean towns 'contested' by Ethiopia, although we do not as yet know the totality of Ethiopian claims other than what can be inferred from the map of Tigray Administrative Region that carves large swathes of Eritrean territory. For example, it would make equal sense for the Committee to collect information as to which Authority administered Adi Murug prior to July 1997. For the OAU to investigate into one without considering the other is making an unacceptable prejudgement. Moreover, administration by itself does not have any meaning if the process by which this administration was installed was illegal. What is of critical importance is where Badme, Adi Murug and other areas lie within the recognised boundary. We therefore request that point No. 2 be deleted from the tasks as it can be accommodated within task Number 1".

7. As expressed in the OAU report (S/1998/1223, para. 13), "the Committee decided to take note of the reservations of Eritrea". Does this mean that the Committee had accepted Eritrea's reservations? Not at all. Although it took note of Eritrea's position, the Committee nonetheless stuck to the original terms of reference that were formulated by the High-level Delegation.

8. It should also be recalled here that Ethiopia had all along refused to submit the totality of its territorial claims when pressed to do so by OAU at the request of Eritrea. The written clarification provided to Eritrea by the OAU High-level Delegation reads in this regard: "Ethiopia has indicated that it will submit its claims when the issues of delimitation, demarcation and, if need be, arbitration are addressed".

9. In view of the facts underlined above, the preconditions now put forth by the Tigre People's Liberation Front (TPLF) regime demanding that

> "the government of Eritrea needs to officially declare that it will withdraw its troops from all Ethiopian land and agree to set a short time-frame in which the withdrawal will be implemented ... As long as Ethiopian territory remains under Eritrean occupation, it is impossible to discuss a ceasefire and negotiate a solution to the border conflict",

are incompatible with the OAU Framework Agreement. Indeed, what TPLF calls "occupied areas" are precisely those territories that it has illegally incorporated into its 1997 map of Tigray and large tract of territory on the Dankali region of Eritrea.

10. Obviously at the bidding of Ethiopia, some circles are known to be arguing for a "revision" of the Framework Agreement due to "a changed situation". This is untenable, both morally and procedurally. The OAU secretariat was against any amendment of the terms of reference of the Ambassadorial Committee, arguing that its mandate was to implement the resolutions of the OAU Summit of Heads of State. What powers does it have now to revise a Framework endorsed by the Summit of the Central Organ? Moreover what "change" has occurred other than the use of military force by Ethiopia, on 6 February of this year, while the peace process was in motion to occupy Eritrean territory in defiance of the persistent calls of OAU and the Security Council on both sides not to resort to force? To revise the Framework Agreement because of changes on the ground is tantamount to condoning the use of force and to encouraging the parties to resort to a spiral of offensives and counter-offensives to improve their bargaining position.